

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

RONNIE NIXON, JR.

PETITIONER

v.

NO. 3:20-cv-00409 DPM-PSH

DOE

RESPONDENT

ORDER

Petitioner Ronnie Nixon, Jr., (“Nixon”) began this case by filing a pleading that the Clerk of the Court construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. 2254. In the pleading, Nixon advanced one claim for relief. He maintained that he has not seen a judge in over four months, and “[t]he jail will not let [him] see a judge.” See Docket Entry 1 at CM/ECF 11. He additionally maintained that “[t]hey have used their three continuances.” See Docket Entry 1 at CM/ECF 5. When prompted to provide information about whether he presented the claim to the state courts, he alleged the following: “I didn’t directly appeal.” See Docket Entry 1 at CM/ECF 5. He asked that he be released from jail.

Nixon failed, though, to, inter alia, identify his custodial agent, provide a state trial court case number or otherwise identify the charge or sentence he is attacking, and sign the petition. In addition, he neither paid the five dollar filing fee nor, alternatively, filed a motion for leave to proceed in forma pauperis. Given the present state of the record in this case, the Court orders the following:

- 1) Nixon shall file an amended petition in which he:
  - a) identifies his custodial agent by name,
  - b) provides a state trial court case number or otherwise identifies the charge or sentence he is attacking, and
  - c) signs the amended petition.

In addition, he is strongly encouraged to provide additional facts to substantiate his claim and explain whether he presented the claim to the state courts. He is given up to, and including, **February 1, 2021**, to file an amended petition conforming to this Order.

- 2) Nixon shall either pay the five dollar filing fee or file an application to proceed in forma pauperis. He is given up to, and including, **February 1, 2021**, to do so. The Clerk of the Court shall send Nixon the documents necessary to file an application to proceed in forma pauperis.

Nixon is hereby notified of his obligation to comply with the Federal Rules of Civil Procedure as well as the Local Rules for the United States District Court for the Eastern District of Arkansas. Specifically, he is directed to Local Rule 5.5(c)(2), which provides the following:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

In the event Nixon fails to comply with the terms of this Order, it will be recommended that this case be dismissed without prejudice.

IT IS SO ORDERED this 4th day of January, 2021.



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UNITED STATES MAGISTRATE JUDGE